

REMARKS

Claims 1-9, 14, 19-21, and 26-30 were pending in the present application. Claims 1-9, 14, 19, and 30 have been canceled herein without prejudice to their presentation in another application. Claims 26-30 have been amended herein, for example, to reflect proper grammar/punctuation and to correct certain typographical errors. Support for the present amendments can be found, for example, throughout the specification. No new matter has been added. Upon entry of the present amendments, claims 21, and 26-29 will remain pending.

I. The Claimed Invention Is Enabled

Claims 27-29 are rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement. The Office concedes that the claims are enabled for “treating cardiovascular disease,” but alleges that other indications recited in the claim are not enabled (see, Office Action at page 2). Although claims 27-29 as previously presented are sufficiently enabled, solely to advance prosecution of the present application, Applicants have amended claim 27 to recite “treating cardiovascular disease.” In view of the present amendment, Applicants respectfully assert that claims 27-29 are sufficiently enabled. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

II. Claim Is Clear And Definite

Claim 29 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Office asserts that the compound (±)-7-methyl-2-morpholin-4-yl-9-[1-(2-thiazolylamino)ethyl]-pyrido[1,2-a]pyrimidin-4-one (TGX-261) is “not within the scope of claim 26 from which claim 29 ultimately depends (see, Office Action at page 2). Applicants have amended claim 29 herein to delete this compound. In view of the current amendment to claim 29, this rejection is moot.

III. The Claimed Invention Is Novel

Claims 26-28 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,703,075 (hereinafter, “the Gamill patent”; Applicants respectfully point out that U.S. Patent No. recited on page 2 of the Office Action should be 5,703,075, and not 5,073,575). More specifically, the Office points to the “genus of compounds which encompasses the instant 2-morpholino-1-(8-arylamino)alkyl-benzopyran-4-ones (sic).” In view of the current amendment to claims 26-28 (wherein Y of formula (I) is N, but not O), this rejection also becomes moot.

IV. Conclusion

In view of the foregoing, Applicants respectfully submit that pending claims 21 and 26-29 are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicants’ undersigned representative at (215) 981-4142 if there are any questions regarding the present application.

The Commissioner is hereby authorized to debit any fee due or credit any overpayment to deposit account 50-0436.

Respectfully submitted,

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Date: June 17, 2008

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